

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARCELL JOHNSON, NEIL HIRSCH, and  
JEFRFREY L. FRIEDMAN, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

V.

THE GILLETTE COMPANY,

Defendant.

Civil Action No. 05-11455 DPW

**NOTICE OF FILING OF DEFENDANT THE GILLETTE COMPANY'S  
SECOND NOTICE OF POTENTIAL TAG-ALONG ACTIONS WITH THE  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Defendant The Gillette Company (“Gillette”) attaches hereto as Exhibit A a copy of its Second Notice of Potential Tag-Along Actions (“Second Notice”) that it filed on July 29, 2005 with the Judicial Panel on Multidistrict Litigation (“JPML”) in MDL Docket No. 1704, entitled *In re M3 Power Razor System Marketing & Sales Practices Litigation*.<sup>1</sup> The Second Notice references the above-captioned action as one of the actions presently subject to review by the JPML pursuant to a 28 U.S.C. § 1407 motion to transfer and consolidate. JPML Rules 7.2(i) and 7.2(e) require that parties or counsel in actions under consideration by the JPML for transfer notify the JPML of any potential tag-along action in which that party is named. Pursuant to JPML Rule 5.12(c), a copy of the motion for transfer of actions pursuant to 28 U.S.C. § 1407 must be filed in each district in which an action is pending that will be affected by the motion.

<sup>1</sup> Omitted from Exhibit A hereto are the various exhibits referenced in and attached to the Notice (the exhibits to the Notice exceed 100 pages).

Respectfully submitted,

THE GILLETTE COMPANY

by its attorneys,

/s/ Polina Bodner

Harvey J. Wolkoff (BBO #532880)

Mark P. Szpak (BBO #546261)

Emily C. Shanahan (BBO #643456)

Polina Bodner (BBO #660443)

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

Dated: August 8, 2005

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 8<sup>th</sup> day of August, 2005, the foregoing Notice was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Alan L. Kovacs (BBO# 278240)  
**LAW OFFICE OF ALAN L. KOVACS**  
2001 Beacon Street, Suite 106  
Boston, MA 02135

Attorney for Plaintiff

The undersigned hereby certifies that a true and correct copy of the foregoing Notice was served by first-class mail, postage prepaid, upon the attorneys listed below, on this 8<sup>th</sup> day of August, 2005:

Steven A. Kanner  
Douglas A. Millen  
Robert J. Wozniak, Jr.  
**MUCH SHELIST FREED DENENBERG  
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Daniel R. Karon  
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Philadelphia, PA 19103

Attorneys for Plaintiff

/s/ Polina R. Bodner

# **EXHIBIT A**

**BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

In re:

M3POWER RAZOR  
SYSTEM MARKETING & SALES  
PRACTICES LITIGATION

MDL Docket No. 1704

RECEIVED  
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JUDICIAL PANEL ON  
MULTIDISTRICT  
LITIGATION

**DEFENDANT THE GILLETTE COMPANY'S  
SECOND NOTICE OF POTENTIAL TAG-ALONG ACTIONS**

Harvey J. Wolkoff  
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Attorneys for Defendant The Gillette Company

**EXHIBIT A**

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

1. Please take notice that on June 10, 2005, Kevin Windom, plaintiff in the action entitled Kevin Windom v. The Gillette Company, Civil Action No. 05-11207 RWZ (D. Mass) ("Movant") filed a petition under 28 U.S.C. Section 1407 seeking transfer and coordination of the following cases:

**DISTRICT OF MASSACHUSETTS**

Mark Dearman and Anthony Debiseglia v. The Gillette Company;  
Civil Action No. 05-11177 DPW; The Honorable Douglas P. Woodlock

Kevin Windom v. The Gillette Company, a Delaware corporation;  
Civil Action No. 05-11207 RWZ; The Honorable Rya W. Zobel

**CENTRAL DISTRICT OF CALIFORNIA**

David Atkins v. The Gillette Company, a Delaware corporation;  
Civil Action No. CV05-4024 DDP; The Honorable Dean D. Pregerson

2. On June 14, 2005, Movant filed his First Notice of Potential Tag-Along Actions. The relevant information with respect to these actions is as follows:

**WESTERN DISTRICT OF TENNESSEE**

Holly Moore v. The Gillette Company;  
Civil Action No. 1-05-1153-T/An; The Honorable James D. Todd

Tracy Gorea v. The Gillette Company;  
Civil Action No. 05-2425 Ma/P; The Honorable Samuel H. Mays, Jr.

**DISTRICT OF MASSACHUSETTS**

Javier Tunon and Adam Kline v. The Gillette Company;  
Civil Action No. 05-11208 DPW; The Honorable Douglas P. Woodlock

**NORTHERN DISTRICT OF TEXAS**

Grant W. Jackson v. The Gillette Company;  
Civil Action No. 3 05CV1179-K; The Honorable Ed Kinkeade

3. On June 23, 2005, Movant filed his Second Notice of Potential Tag-Along Actions. The relevant information with respect to these actions is as follows:

**CENTRAL DISTRICT OF CALIFORNIA**

Carlos Corrales v. The Gillette Company, a Delaware corporation;  
Civil Action No. CV05-4116 DDP; The Honorable Dean D. Pregerson  
(by reassignment, sua sponte, from The Honorable A. Howard Matz)

**DISTRICT OF MASSACHUSETTS**

Kristopher Kenessky and Steven Meyers v. The Gillette Company;  
Civil Action No. 05-11272 DPW; The Honorable Douglas P. Woodlock

4. On June 29, 2005, Movant filed his Third Notice of Potential Tag-Along Actions. The relevant information with respect to these actions is as follows:

**DISTRICT OF MASSACHUSETTS**

Colin L. McGreary v. The Gillette Company  
Civil Action No. 05-11319 DPW; The Honorable Douglas P. Woodlock

**DISTRICT OF NEW JERSEY**

Patrick Coleman v. Gillette Company, Inc.  
Civil Action No. 05-3153(JLL); The Honorable Jose L. Linares

5. On July 8, 2005, Movant filed his Fourth Notice of Potential Tag-Along Actions. The relevant information with respect to these actions is as follows:

**DISTRICT OF MASSACHUSETTS**

Bradley Saunders, Bruce Fisher, Brad Fellersen and Richard Herbstman v. The Gillette Company;  
Civil Action No. 05-11319 DPW; The Honorable Douglas P. Woodlock

6. On July 14, 2005, Defendant The Gillette Company filed its First Notice of Potential Tag-Along Actions. The relevant information with respect to these actions is as follows:

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

**David Lipper v. The Gillette Company**

Civil Action No. 05-5022 JFW; The Honorable Dean P. Pregerson  
(by reassignment, sua sponte, from The Honorable John F. Walter)

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

**Matthew Marr v. The Gillette Company**

Civil Action No. 05-5024 FMC; The Honorable Dean P. Pregerson  
(by reassignment, sua sponte, from The Honorable Florence-Marie Cooper)

7. Defendant The Gillette Company is aware of additional potential tag-along actions. Specifically, on July 22, 2005, defendant The Gillette Company removed two state court actions from the Superior Court of Bergen County, New Jersey to the United States District Court for the District of New Jersey. The relevant information with respect to these actions is as follows:

**DISTRICT OF NEW JERSEY**

**David Delre v. The Gillette Company**

Civil Action No. 05-CV-03706-JLL-RJH; The Honorable Jose L. Linares

**Joshua Vereb v. The Gillette Company**

Civil Action No. 05-cv-03673-JLL-RJH; The Honorable Jose L. Linares

On July 25, 2005, defendant The Gillette Company removed a state court action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. The relevant information with respect to this action is as follows:

**NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

**Greg Besinger and David Zavala v. The Gillette Company**

Civil Action No. 05-cv-04278-CPK; The Honorable Charles P. Kocoras

On July 25, 2005, defendant The Gillette Company removed a state court action from the Circuit Court of the City of St. Louis, Missouri to the United States District Court for the Eastern District of Missouri. The relevant information with respect to this action is as follows:

**EASTERN DISTRICT OF MISSOURI**



Elvis Huskic v. The Gillette Company

Civil Action No. 05-cv-01150-CAS; The Honorable Charles A. Shaw

On July 26, 2005, defendant The Gillette Company removed a state court action from the Superior Court of California, County of Los Angeles to the United States District Court for the Central District of California. The relevant information with respect to this action is as follows:

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

L. Dean Smith, Jr. v. The Gillette Company

Civil Action No. 05-5431GPS(CTx); The Honorable George P. Schiavelli

On July 27, 2005, defendant The Gillette Company removed a state court action from the Superior Court of California, County of San Diego, Central Division, to the United States District Court for the Southern District of California. The relevant information with respect to this action is as follows:

**SOUTHERN DISTRICT OF CALIFORNIA**

Luis Gonzalez v. The Gillette Company

Civil Action No. 05-CV-1506 J (LSP); The Honorable Napoleon A. Jones, Jr.

Defendant The Gillette Company is aware of two additional potential tag-along actions that have been filed. The relevant information with respect to these actions is as follows:

**DISTRICT OF MASSACHUSETTS**

Marcell Johnson, Neil Hirsch and Jeffrey L. Friedman v. The Gillette Company

Civil Action No. 05-11455 DPW; The Honorable Douglas P. Woodlock

**NORTHERN DISTRICT OF CALIFORNIA**

Michael Pruitt v. The Gillette Company

Civil Action No. C05-02883 JCS; The Honorable Joseph C. Spero

8. These actions arise from the same, or similar, facts and assert similar claims as the pending actions that are the subject of Movant's petition and should, therefore, be designated as

Tag-Along Actions pursuant to Panel Rule 7.5. True and correct copies of the following documents are attached:

Exhibit A-1: *Delre* complaint;

Exhibit A-2: *Delre* docket sheet from the United States District Court, District of New Jersey;

Exhibit B-1: *Vereb* complaint;

Exhibit B-2: *Vereb* docket sheet from the United States District Court, District of New Jersey;

Exhibit C-1: *Besinger* complaint;

Exhibit C-2: *Besinger* docket sheet from the United States District Court, Northern District of Illinois;

Exhibit D-1: *Huskic* complaint;

Exhibit D-2: *Huskic* docket sheet from the United States District Court, Eastern District of Missouri;

Exhibit E-1: *Smith* complaint;

Exhibit E-2: *Smith* Notice of Removal (first page) filed with the United States District Court, Central District of California, Western Division, July 26, 2005;

Exhibit F-1: *Gonzalez* complaint;

Exhibit F-2: *Gonzalez* docket sheet from the United States District Court, Southern District of California;

Exhibit G-1: *Johnson* complaint;

Exhibit G-2: *Johnson* docket sheet from the United States District Court, District of Massachusetts;

Exhibit H-1: *Pruitt* complaint;

Exhibit H-2: *Pruitt* docket sheet from the United States District Court, Northern District of California.

Dated: July 29, 2005

Mark P. Szpak /EPS

Harvey J. Wolkoff

Mark P. Szpak

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